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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000805

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DOE FOR CAROLYN GAY

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SUBJECT: OPPOSITION WORKING TO KEEP FAILED ELECTIONS STORY  
ALIVE

ABUJA 00000805 001.2 OF 002

Classified By: Political Counselor Russell Hanks for reasons 1.4 (B) and (D)

11. (C) Summary: The political opposition is developing a three-pronged strategy in a bid to keep attention focused on the failures of the 2007 election. While key details are still to be worked out, according to Usman Bugaje (strictly protect) there is, in principle, agreement to proceed among the major opposition leaders and civil society members. The planned events, which include street protests, major hearings on the failure of INEC and elections, and legal challenges, are likely to start after the Vice President returns from his trip abroad.

#### KEEPING THE STORY ALIVE

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12. (C) Usman Bugaje, a key advisor to the Vice President, said that Atiku is determined to provide leadership in the effort to keep the election story alive. He said the Vice-President was financing a variety of activities, including the upcoming legal challenge. Discussions were underway about the modalities for implementing a strategy which incorporates political and legal components. He said that Atiku's negotiations with Buhari were complicated by divisions within Buhari's camp, both over strategy and rumors of a political scandal in which Buhari, allegedly desperate for money for his campaign, accepted money from the government in anticipation of a run-off. The resulting divisions and bitterness within Buhari's camp made negotiations more difficult, Bugaje asserted.

13. (C) The first and most immediate component of the opposition strategy is to keep the story of failed elections alive, first by rejecting the results, calling for a rerun, and by mobilizing citizens for street protests. Buhari, the labor unions and civil society were key components in making this possible. The objective was to demonstrate a general sense of disapproval by ordinary Nigerians. Bugaje said it was not clear whether the upcoming Labor Day would kick off the attempts at protest, or whether protests would come at some later date. He also said that the opposition parties were attempting to proceed in a prudent manner, so as not to

provoke a military intervention, something Bugaje posited was possible in a climate of violence and uncertainty.

14. (C) The second element of the strategy, Bugaje said, was agreement that candidates would not, at least at the Presidential level, file individual court cases, but rather pursue a class action suit. The case would challenge the validity of the election and would seek to identify procedural as well as substantive errors in process, egregious enough for an annulment. The Vice-President and his legal team would take the lead and are likely to file the case in the next week or so, well ahead of the 30-day deadline for election complaints.

#### THE OPPOSITION OPENS A FRONT AT THE NATIONAL ASSEMBLY

15. (C) Disgruntled ruling party members combined with opposition party members at the National Assembly will be the third pillar of the strategy, Bugaje said. Both the Senate and the House have agreed to discuss the elections. Although the Senate wanted to coordinate its schedule with the House, the House has already set the agenda. House speaker Aminu Masari seems to be aligned with the opposition, Bugaje said. He pointed out the way Masari conducted the vote on ending the Ekiti state of emergency, in which he did not allow debate and marshaled the votes to kill the measure. This, Bugaje posited, sent a clear signal that it would not be business as usual in the House.

16. (C) The Presidency has reacted aggressively to the signal of revolt, Bugaje said. He noted that the President met this week with a key group of 30 legislators to try to shore up support for the Villa's agenda. The same type of inducements and threats used previously by the Executive were likely to be in play again, he predicted. With only about 10% of the NASS legislators winning reelection there was a volatile stew

ABUJA 00000805 002.2 OF 002

in which disenchantment was a key ingredient. In order to counteract this, the President was already promising future favors to sway support its way. Specifically, he said, they wanted to limit damaging debate on the fraud that Members witnessed during the elections.

17. (C) Although there has been draft legislation floating around the National Assembly regarding an interim government, the constitution does not actual support such a move, Bugaje asserted (reftel). He also repeated that impeachment was impractical given the time constraints and thus debate at the National Assembly over the conduct of the elections was aimed at shoring up a consensus on annulment of the elections. This would keep the story alive and put pressure on the government either to ignore, attempt to stifle or participate in the debate. Given that the poor conduct of the elections was amply documented by international observers, Bugaje asserted that all three alternatives would be losing propositions for the government.

#### COMMENT

18. (C) Comment: The opposition is actively working to keep the story of failed elections alive, using all avenues possible including street protests. The ability of the opposition to reach and maintain a consensus around its actions will increase pressure on the government to make some concessions. The Nigerian Government is, on the other hand, likely to attempt to sow divisions among the opposition and attempt to change the subject from failed elections to the promise of new administration.

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